

Judge Donnell moves to remand this case to state court because he does not consent to removal.

Defendant D. Christinsen removed this case on July 28, 2016. Doc. 1. As authority for removal, he cited 28 U.S.C. § 1441(a). *Id.* at 1. “When a civil action is removed solely under section 1441(a), all defendants who have been properly joined and served must join in or consent to the removal of the action.” 28 U.S.C. § 1446(b)(2)(A). Otherwise, this Court must remand the action. *See Casey v. F.D.I.C.*, 583 F.3d 586, 591 (8th Cir. 2009).

Nelson served Judge Donnell on July 11, 2016, before Christinsen removed this action on July 28, 2016. Exh. A.<sup>1</sup> Thus, removal is only valid under 28 U.S.C. § 1446(b)(2)(A) if Judge Donnell consents to removal. He does not consent. Removal is therefore invalid.

This Court should remand Nelson’s action to state court.

**DATED** this 5th day of August, 2016.

/s/ Jesse B. Naiman  
Jesse B. Naiman, WSB No. 7-5516  
Assistant Attorney General

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<sup>1</sup> Counsel obtained this document from the Madison County District Court. It should become part of this Court’s records once the Madison County District Court transfers the record.

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was served on the 5th day of August, 2016,  
to the following individuals:

Lisa Nelson

229 N. Pine Street

Gordon, NE 69343

[✓] Mail

Marti Lundahl and H. Lundahl Telford

935 Wilderness Trail

Green River, WY 82935

[✓] Mail

/s/ Heather L. Hunter

Heather L. Hunter

Office of the Wyoming Attorney General